

**1675. Misbranding of Quits and Q-T Alternative—Nervine. U. S. v. 184 Bottles of Q-T Alternative—Nervine (and 2 other seizure actions against Quits and Q-T Alternative—Nervine). Default decrees of condemnation and destruction.** (F. D. C. Nos. 16058, 16280. Sample Nos. 2650-H, 2651-H, 24138-H.)

**LIBELS FILED:** On or about April 30 and May 23, 1945, Northern District of Texas and Southern District of West Virginia.

**ALLEGED SHIPMENT:** Between the approximate dates of April 29, 1941, and October 7, 1944, by the Allied Pharmacal Co., from Cleveland, Ohio.

**PRODUCT:** 184 bottles of *Q-T Alternative—Nervine* at Dallas, Tex., and 129 bottles of *Quits* and 70 bottles of *Q-T Alternative—Nervine* at Charleston, W. Va. Examination of samples showed that the product contained ammonium chloride, gold, sodium chloride, and water.

**NATURE OF CHARGE:** *Q-T Alternative—Nervine*, misbranding, Section 502 (a), the label statement "Alternative—Nervine" was false and misleading since the product was not an alternative and would have no effect on the nerves.

*Quits*, misbranding, Section 502 (a), the label statement, "Quits \* \* \*

The action of this product is such that it tends to mitigate the desire and craving for intoxicants," was false and misleading since the article was not effective in overcoming the desire or craving for intoxicants.

**DISPOSITION:** June 1 and 15, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1676. Misbranding of Starke Inhaler and Starke Inhalant. U. S. v. 24 Cartons and 142 Cartons of Starke Inhaler and Starke Inhalant. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 16382, 16694. Sample Nos. 31440-H, 31541-H.)

**LIBELS FILED:** June 16 and July 10, 1945, Southern District of California and Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about May 18 and June 11, 1945, by the Lewis E. Starke Pharmacal Co., from St. Louis, Mo. The shipment of June 11 was refused by the consignee and returned to the shipper on or about June 26, 1945.

**PRODUCT:** 24 cartons and 142 cartons of the above-named products at Inglewood, Calif., and St. Louis, Mo. Examination showed that each carton contained a glass inhaler; a bottle of a liquid consisting essentially of water, alcohol, glycerin, guaiacol, eucalyptol, menthol, and iodine; and a circular entitled "Facts About Starke Inhalant And The Starke Inhaler."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the carton label and in the circular were false and misleading since they represented and suggested that the article would be effective in the prevention and treatment of sinusitis, bronchitis, influenza, pneumonia, tonsillitis, bronchial asthma, la grippe, nasal catarrh, whooping cough, rose cold, and hay fever; and that its vapors were capable of destroying germs in the nose, throat, and chest. The article would not be effective in the prevention or treatment of the conditions stated and implied, and its vapors were not capable of destroying germs in the nose, throat, and chest.

**DISPOSITION:** July 14 and September 17, 1945. Charles J. Crafe of the Lewis E. Starke Pharmacal Co. having appeared as claimant for the Missouri lot and having admitted the misbranding of the product, and no claimant having appeared for the California lot, judgment of condemnation were entered. The California lot was ordered destroyed and the Missouri lot was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**1677. Misbranding of Ceregen. U. S. v. 100 Bottles of Ceregen. Default decree of condemnation and destruction.** (F. D. C. No. 16059. Sample Nos. 113-H, 114-H.)

**LIBEL FILED:** April 25, 1945, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about November 9, 1944, and January 13, 1945, by the Ulrici Medicine Co., Inc., from New York, N. Y.

**PRODUCT:** 100 bottles of *Ceregen* at Tampa, Fla. Examination of samples showed that the product consisted essentially of 9 percent of alcohol, 11 percent of nonvolatile matter, and approximately 80 percent of water. The nonvolatile matter included caffeine and compounds of iron and phosphorus. The total mineral matter was less than 1 percent, including 7.5 milligrams of iron and

174 milligrams of phosphorus per 100 milliliters, or 3.4 milligrams of iron and 78 milligrams of phosphorus per the recommended daily dose of 3 tablespoonfuls, for adults. Caffeine in the daily dose was 23 milligrams.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the label and in an enclosed circular entitled "Ceregen" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of some, but not all, cases of physical exhaustion and nervous hyposthenia, general muscular weakness, irritability, and lack of appetite; that it would be efficacious as a tonic and as an aid to convalescence after an exhausting illness; that it would promote better nervous stability, greater physical energy, and increased vitality; that it would aid in supplying deficiencies of iron, phosphorus, and other salts; and that all of its ingredients were of the standard of purity and strength established by the United States Pharmacopoeia. The article would not be effective to fulfill the promises of benefit stated and implied, and some of the ingredients are not recognized by the United States Pharmacopoeia.

Further misbranding, Section 502 (a), the label statements, "A Well Balanced Medicinal Preparation \* \* \* This product is compounded of the following ingredients per 100 cc.: Sod. Phosphate .876, Pot. Phosphate .292, Phosphoric Acid .286, Sod. Glycerophosphate .117, Pot. Glycerophosphate .189, S. Ext. of Kola (1-5) 1.752, S. Ext. of Dandelion (1-3) .076, Manganese Hypophosphite .011, Tr. Iron Citrochloride .174, Sod. Citrate .560, Glycerine 2.804, Alcohol 11.10," were misleading since they created the impression that the article possessed therapeutic value, whereas the article, if consumed in accordance with the directions on the label, "Dose: For Adults: One tablespoonful three times a day; for children over 12 years: One teaspoonful three times a day, to be taken before or after meals," would be essentially worthless as a therapeutic agent.

Further misbranding, Section 502 (a), the following statements in the circular were misleading since the composition of the article denominated "Ceregen" has not remained the same since 1896; it does not represent years of experimentation; and physicians and dietitians do not believe that the ingredients of the article have been combined with "balance," revealing deep knowledge of the properties and reactions of the alkaloids and phosphates in their relation to the human body: "When Dr. Charles J. Ulrici established the firm now bearing his name in the year 1896, it was with the thought of placing within reach of the average person the results of long years of experimentation in the pharmaceutical field. One of his best known formulas is that of Ceregen. Physicians and dietitians who have had occasion to study this formula believe Dr. Ulrici combined its ingredients with excellent balance, revealing deep knowledge of the properties and reactions of the alkaloids and phosphates in their relation to the human body."

**DISPOSITION:** June 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1678. Misbranding of fenugreek tea. U. S. v. 10 Dozen Cartons and 5 Dozen Cartons of Fenugreek Tea, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 16042. Sample No. 3049-H.)**

**LABEL FILED:** April 18, 1945, District of Columbia.

**PRODUCT:** 10 dozen cartons, \$0.50 size, and 5 dozen cartons, \$1.50 size, of *fenugreek tea* which was being offered for sale in the District of Columbia by the Vita Health Food Co., Washington, D. C., together with a number of accompanying booklets entitled "Vita Health News" and placards entitled "Stomach Agony" and "Upset Stomach."

Examination disclosed that the product consisted essentially of fenugreek seeds.

**LABEL, IN PART:** "Lelord Kordel's Fenugreek tea Consists of Fenugreek Seeds \* \* \* Lelord Kordel Products \* \* \* Chicago."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements and the designs of the stomach, kidney, liver, and intestinal tract, appearing in the booklets and placards, were false and misleading since the statements and designs represented and suggested that the article would be effective in the treatment of stomach agony, sour taste in the mouth, gas pains, upset stomach, liver and intestinal irritations, belching, colitis, ulcers, headaches, backaches,